



JOY HOFMEISTER  
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION  
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

September 24, 2019

**VIA E-MAIL ONLY**

The Honorable Mike Hunter  
Oklahoma Attorney General  
c/o Opinion Coordinator  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
[Opinion.Coordinator@oag.ok.gov](mailto:Opinion.Coordinator@oag.ok.gov)

RE: Request for Attorney General Opinion

Dear Attorney General Hunter:

In the 2017 legislative session, Senate Bill 217 was passed by the Legislature and signed by the Governor. In effect, Senate Bill 217, codified at 70 O.S. § 3-145.8 establishes specific requirements for attendance policies for statewide virtual charter schools. Recently, Oklahoma public school offerings of virtual programs (both statewide virtual charter schools and other types of public schools) and students receiving instruction from said programs have significantly increased. As a result, questions have arisen as to the attendance policies authorized and/or required of virtual programs in public schools. As such, I am writing to respectfully request an informal opinion from your office on the following questions of law as they relate to attendance policies that are required and/or authorized for Oklahoma public schools providing instructional services to students via virtual delivery methods. In light of these statements, my questions are as follows:

1. Are the provisions of 70 O.S. § 3-145.8 the controlling provisions for attendance policies and attendance requirements applicable to a statewide virtual charter school<sup>1</sup>?
2. If the answer to 1 is “no,” what provisions of Oklahoma law control the attendance policies and attendance requirements applicable to a statewide virtual charter school?

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<sup>1</sup> Statewide virtual charter school refers to the public schools authorized and sponsored by the Statewide Virtual Charter School Board, pursuant to 70 O.S. § 3-145.1, *et seq.*

3. Is a traditional public school<sup>2</sup> authorized to establish its own attendance policy applicable to its enrolled students participating in a virtual education program?
4. If the answer to 3 is “yes,” for students enrolled in a virtual education program at a traditional public school, is the board of education of the school district authorized to adopt an attendance policy for the virtual education program with the same or substantially the same attendance requirements as those in 70 O.S. § 3-145.8?
5. Is a public charter school<sup>3</sup> authorized to establish its own attendance policy applicable to its enrolled students participating in a virtual education program?
6. If the answer to 5 is “yes,” for students enrolled in a virtual education program at a charter school, is the board of education of the school authorized to adopt an attendance policy for the virtual education program with the same or substantially the same attendance requirements as those in 70 O.S. § 3-145.8?
7. Is a conversion school<sup>4</sup> authorized to establish its own attendance policy applicable to its enrolled students participating in a virtual education program
8. If the answer to 7 is “yes,” for students enrolled in a virtual education program at a conversion school, is the board of education of the conversion school authorized to adopt an attendance policy for the virtual education program with the same or substantially the same attendance requirements as those in 70 O.S. § 3-145.8?

Your attention and expeditious review of these matters are sincerely appreciated. As always, if you have any questions or want to further discuss these matters, please do not hesitate to contact me.

Respectfully,



Joy Hofmeister  
State Superintendent of Public Instruction

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<sup>2</sup> Traditional public school is intended to refer to the Independent school districts and Dependent school districts referred to in 70 O.S. §§ 5-101 and 5-103, governed by a locally elected school board pursuant to Oklahoma law and with the powers and duties set forth in 70 O.S. § 5-117.

<sup>3</sup> A charter school refers to charter schools authorized and operated pursuant to the Oklahoma Charter Schools Act, at 70 O.S. § 3-130 *et seq.*

<sup>4</sup> A conversion school refers to a school created pursuant to 70 O.S. § 3-132 by converting all or any part of a traditional public school in order to access any or all flexibilities afforded to a public charter school.